UNITED STATES DISTRICT COURT WESTERN DISTRICT OF NORTH CAROLINA ASHEVILLE DIVISION 1:21-cv-333-MOC

JOHN D. BABB, ET AL.,)	
Plaintiffs,)	
Vs.)	ORDER
WADE HAMPTON GOLF CLUB, INC.,)	
Defendant.	<i>)</i>)	

THIS MATTER is before the Court on review of two non-dispositive Orders issued by Honorable Carleton Metcalf, United States Magistrate Judge, in this matter. See Order (#57, 58). In the first Order, Judge Metcalf denied Plaintiffs' Motion to Amend the Complaint. In the second Order, Judge Metcalf granted in part and denied in part Plaintiffs' motion to compel. Plaintiffs filed two Motions to Vacate the Orders under Fed. R. Civ. P. Rule 59(a).

The district court has authority to assign non-dispositive pretrial matters pending before the court to a magistrate judge to "hear and determine." 28 U.S.C. § 636(b)(1)(A). When reviewing an objection to a magistrate judge's order on a non-dispositive matter, the district court must set aside or modify any portion of that order which is clearly erroneous or contrary to law. FED. R. CIV. P. 72(a). To show that a magistrate judge's order is contrary to law, the objecting party must show that the magistrate judge failed to apply or misapplied statutes, case law, or procedural rules. See Catskill Dev. LLC v. Park Place Entm't Corp., 206 F.R.D. 78, 86 (S.D.N.Y.2002). The Court has carefully reviewed

the Orders as well as the motions to vacate and has determined that the Orders of the magistrate judge are fully consistent with and supported by current law, which he cited in his Order. Based on such determination, the court will deny the motions to vacate and fully affirm the Orders.

ORDER

IT IS, THEREFORE, ORDERED that the Motions to Vacate (#59, #60) are **DEEMED** to be Rule 59(a) Objections, they are **OVERRULED**, and the Orders (#57, 58) is **AFFIRMED**.

Signed: November 20, 2023

Max O. Cogburn Jr United States District Judge